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Office of The Ombudsman, Hong Kong

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Direct Investigation Report

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Leisure and Cultural Services Department’s Regulation of Public Coaching Activities at Public Swimming Pools

□□□□□□□**2020**□**7**□**7**□

Completion Date: 7 July 2020

□□□□□□□**2020**□**7**□**9**□

Announcement Date: 9 July 2020

[illegible]
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This report is published in Chinese and supplemented by
an Executive Summary in Chinese and English.
This report is also available on our website at
www.ombudsman.hk.
English version of the report will be uploaded soon.

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Executive Summary
Direct Investigation Report

Leisure and Cultural Services Department's Regulation of Public Coaching Activities at Public Swimming Pools

Introduction

The Public Swimming Pools Regulation ("the Regulation") stipulates that no person, within a swimming pool or the precincts thereof, shall do any act which is likely to endanger, obstruct, inconvenience or annoy any person. In order to promote swimming and ensure water safety, the Leisure and Cultural Services Department ("LCSD") generally allows coaching activities (including coaching by private tutors or family and friends) at the public swimming pools under its management. Such activities must be carried out in an orderly manner without causing nuisance to other swimmers. Otherwise, the Department would take enforcement action in accordance with the Regulation.

2. Nevertheless, views and complaints we received from the public indicated that some individual or group coaching activities at public swimming pools had caused nuisance to other swimmers. The problem had persisted due to ineffective regulation by LCSD.

3. LCSD has designated "public coaching area" at nine public swimming pools, and all coaching activities are confined to such area. The aim is to separate different types of swimmers so as to reduce conflicts among them.

Our Findings

4. We agree with LCSD's viewpoint that coaching activities help promote swimming, and there is a practical need for members

of the public to learn swimming at public swimming pools. Permitting coaching activities at public swimming pools is congruent with LCSD's objective and duty of promoting swimming as a sport. Yet, LCSD's records show that complaint cases relating to nuisance caused by public coaching activities have been on the rise since 2016. Apparently, the problem has persisted.

5. In short, this Office considers that there are three areas for improvement in LCSD's regulation of public coaching activities at public swimming pools.

(I) Need for a Uniform Policy and Mechanism for Designation of "Public Coaching Areas"

6. LCSD has emphasised that so long as the coaching activities at public swimming pools are orderly and not causing nuisance to other swimmers, they would be permitted regardless of whether they are fee-charging or not. For public swimming pools without a "public coaching area", however, LCSD has refrained from explicitly permitting coaching activities to be carried out in an orderly manner at the "public swimming area". This would likely be construed by other swimmers as lax enforcement on the part of LCSD, leading to misunderstanding and even more complaints.

7. Although LCSD has taken enforcement actions against public coaching activities that caused nuisance or obstruction to others, these actions were mainly issuing verbal advice and there was not even a single prosecution. Meanwhile, the number of complaints relating to public coaching activities has shown an upward trend. We consider that solely relying on the pool staff to enforce the Regulation has shown to be ineffective in improving the situation and it would only perpetuate the problem.

8. We opine that LCSD should proactively consider separating those swimmers engaged in coaching activities from general swimmers by designating "public coaching areas". In fact, public swimming pools with a "public coaching area" have recorded an obviously smaller increase in complaints about public coaching

activities than those pools without one. Both the Kennedy Town Swimming Pool and the Kwun Tong Swimming Pool saw a decrease in such complaints since the designation of a “public coaching area” in 2019. Evidently, designating a “public coaching area” has helped to balance the needs of different swimmers.

9. LCSD does not have a uniform policy and mechanism regarding the designation of “public coaching areas”. As a result, decisions on designation or otherwise of such areas in swimming pools are largely left to the officers-in-charge of individual districts/swimming pools. The public can hardly know the justifications behind the decisions which may lead to doubts.

10. We consider that LCSD should seriously contemplate drawing up a uniform and specific policy and mechanism regarding the designation of “public coaching areas”. In addition, coaching activities (including fee-charging coaching lessons and coaching given by family and friends) should be confined to the “public coaching areas”, in order to separate different types of pool users.

11. LCSD should also consider designating a “public coaching area” at public swimming pools where coaching activities are more frequent, or at specific public swimming pools in each district on a trial basis. Announcement and publicity should be made on the arrangement. Besides, when planning the construction or redevelopment of public swimming pools, LCSD should proactively assess the need for a “public coaching area” at the swimming pools or in the districts involved, such that early preparations can be made.

(II) Need for More Rigorous Management of “Public Coaching Areas”

12. At swimming pools with a “public coaching area”, the pool staff would require all coaching activities to be carried out in the designated area. However, LCSD has not formulated specific management measures for regulating coaching activities in that

area so as to ensure that they would be carried out in an orderly manner.

13. Upon our declaration to initiate this direct investigation, quite a lot of public views we received indicated that LCSD should step up its management of "public coaching areas" (e.g. restricting the number of learners for each coach at any one time) to make sure that coaching activities would be well-ordered.

14. We consider that LCSD should lay down specific conditions of use for "public coaching areas". For example, it can impose a maximum on the number of users, restrict the coach-learner ratio for each coaching session. This would help to maintain the order at "public coaching areas".

(III) Need for More Proactive Collection and Analysis of Data on Public Coaching Activities

15. LCSD currently does not keep record or conduct analysis on coaching activities at public swimming pools in a systematic way. Absence of accurate data would hamper the Department's assessment of whether and how to designate a "public coaching area" at individual swimming pools and its formulation of appropriate conditions of use.

16. We consider that LCSD should be more proactive in the collection and analysis of data relating to public coaching activities at public swimming pools, including the peak periods of such activities, number of participants, pool facilities most frequently used and the modes of coaching activities, etc. so that pool staff can record and review public coaching activities.

Concluding Remarks

17. Given the limited resources in public swimming pools, designation of a "public coaching area" would inevitably reduce the space available to swimmers. While many people have a genuine

need for public swimming pools in order to learn swimming, the complaints and public views we received reflect that a lot of pool users found coaching activities annoying. Hence, if these two types of swimmers are not separated, it would just perpetuate their conflict.

18. Under the current mechanism, only groups can apply to LCSD for hiring swimming lanes. Private coaches, therefore, can only conduct coaching lessons at "public swimming areas". Designation of "public coaching areas", in our opinion, can fill this gap under the current mechanism so that public coaching activities can be carried out in an orderly manner. In the long run, LCSD should examine the number and distribution of "group hiring areas", "public coaching areas" and "public swimming areas", with a view to setting and adjusting a proper balance to cater for the needs of different swimmers.

Recommendations

19. In the light of the above, The Ombudsman makes the following recommendations to LCSD:

(1) to formulate a uniform and specific policy and mechanism regarding the designation of "public coaching areas", and confine coaching activities to such area upon designation in swimming pools for separating different types of pool users;

(2) to study proactively the feasibility of designating a "public coaching area" at more public swimming pools (including newly constructed or redeveloped ones);

(3) to strengthen the management of "public coaching areas" and formulate specific conditions for using those areas for coaching activities; and

(4) to step up the collection and analysis of data relating to

public coaching activities at public swimming pools to facilitate the formulation of a policy and mechanism regarding the designation of “public coaching areas”, as well as management measures for those areas.

Office of The Ombudsman
July 2020

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(d) [illegible]

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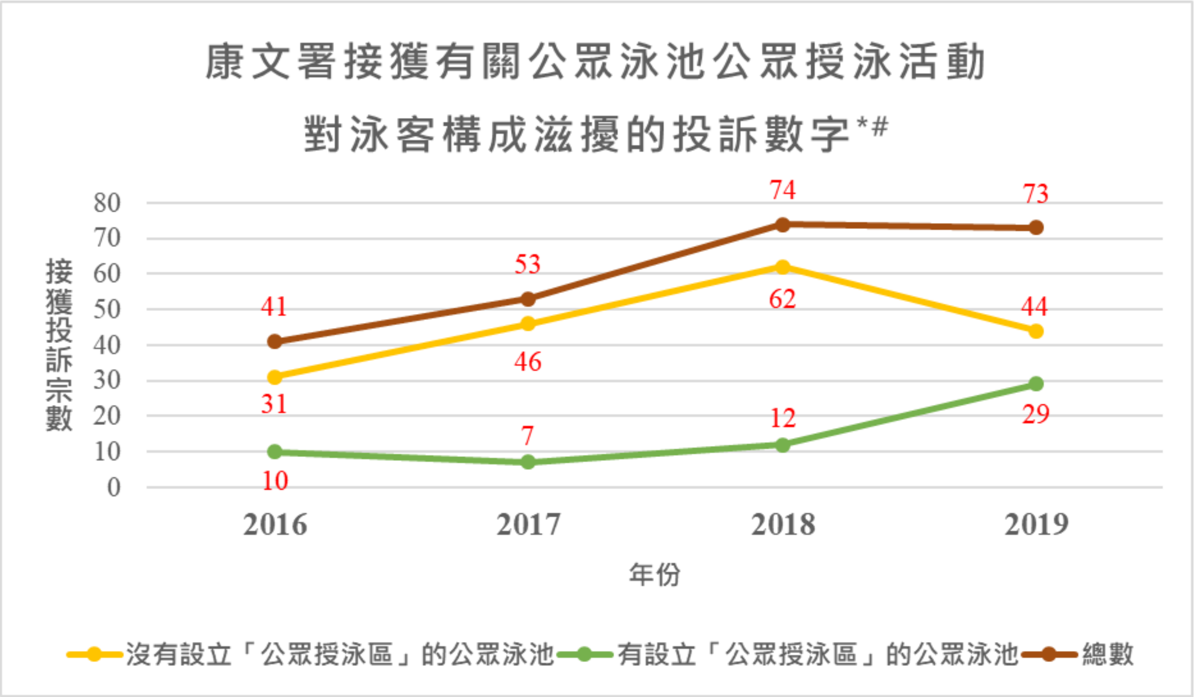

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公眾游泳池(主池)實施公眾授泳區及泳客分流計劃
不同告示牌樣本

Public Coaching Area
公眾授泳區

Group Hiring Area
團體租用區

Public Lap Swimming Area
公眾循環泳區

Public Swimming Area
公眾游泳區

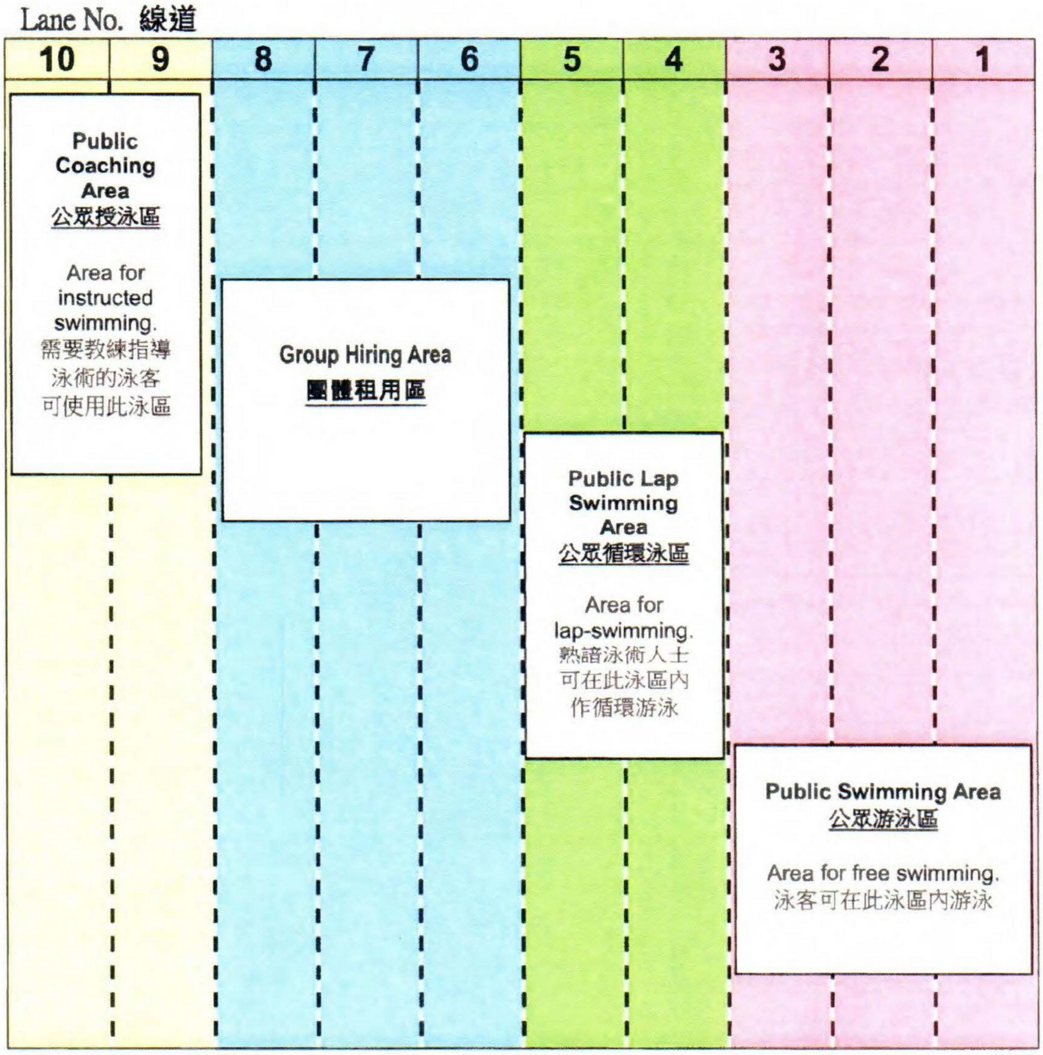
Sample of Scheme of Public Coaching Area and Other Swimming Areas at the 50-metre Main Pool of Public Swimming Pool

公眾游泳池(50公尺主池)公眾授泳區及其他泳區計劃樣本

To better manage the different mode of swimming activities at public swimming pool, this swimming pool implements a Swimming Areas Scheme and swimmers are advised to observe and follow designation of swimming areas below:

為有效管理公眾游泳池內不同形式的游泳活動，本泳池在主池實施泳客分流計劃，泳客請參照及遵守各泳區以下的分佈：

50-Metre Main Pool



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